

PTO/SB/21 (10-04)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

| | |
|------------------------|-------------------------|
| Appeal Number | 2005-0997 |
| Application Number | 09/844,627 |
| Hearing Room | B |
| Hearing Docket | B |
| Hearing Date | Wednesday, May 04, 2005 |
| Hearing Time | 09:00 AM |
| First Named Inventor | Nancy A. Abbe |
| Attorney Docket Number | ABBE/001 U.S. |

Total Number of Pages in This Submission

3

ENCLOSURES (Check all that apply)☐ Fee Transmittal Form☐ Fee Attached☐ Amendment/Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/
Incomplete Application☐ Response to Missing Parts
under 37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a
Provisional Application☐ Power of Attorney, Revocation
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____☐ Landscape Table on CD☐ After Allowance Communication to TC☒ Appeal Communication to Board
of Appeals and Interferences (please
see Remarks below)☐ Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☐ Other Enclosure(s) (please identify
below):**RECEIVED
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Remarks

The enclosed Notice of Hearing Confirmation Within Twenty-one Days is completed and confirms that the undersigned attorney will attend the Oral Proceedings for the above-identified case.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name Fish & Neave IP Group of Ropes & Gray LLP

Signature

Printed name Robert W. Morris

Date April 7, 2005

Reg. No. 36,613

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence and the enclosure identified above are being facsimile transmitted to (1) the BPAI Hearings facsimile no. (571) 273-0299 and (2) the USPTO central facsimile no. (703) 872-9308 on the date shown below. The date shown below is within 21 days of the mailing date of the Notice of Hearing Confirmation Within Twenty-one Days (i.e., March 24, 2005).

Signature

Typed or printed name

Date 4/7/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FISH & NEAVE IP GROUP
ROPE & GRAY LLP
1251 AVENUE OF THE AMERICAS
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NEW YORK, NY
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Appeal No: 2005-0997
Appellant: Nancy A. Abbe
Application No: 09/844,627
Hearing Room: B
Hearing Docket: B
Hearing Date: Wednesday, May 04, 2005
Hearing Time: 09:00 AM
Location: Madison Building - East wing
600 Dulany Street, 9th Floor
Alexandria, Virginia 22313-1450

MAILED

MAR 24 2005

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

NOTICE OF HEARING CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS

Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced. If there are any inquiries, please contact the Clerk of the Board at 571-272-9797.

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED. This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

BPAI HEARINGS FAX No: (571) 273-0299

USPTO Central Fax No: (703) 872-9306

BPAI Mailing Address: BOARD OF PATENT APPEALS AND INTERFERENCES
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VIRGINIA 22313-1450

In all communications relating to this appeal, please identify the appeal by its number.

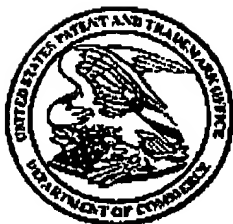
CHECK ONE: ☒ HEARING ATTENDANCE CONFIRMED ☐ HEARING ATTENDANCE WAIVED

Signature of Attorney/Agent/Appellant: [Signature] April 7, 2005 36,613
Date Registration No.

Names of other visitors expected to accompany counsel: _____

For information on visitor access to hearing rooms and security procedures at the USPTO Alexandria Campus, see
http://www.uspto.gov/web/offices/dcom/bpai/docs/contacts/contact_info.htm

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**FISH & NEAVE IP GROUP
ROPE & GRAY LLP
1251 AVENUE OF THE AMERICAS FL C3
NEW YORK, NY 10020-1105**

**Paper No:
Appeal No: 2005-0997
Application: 09/844,627
Appellant: Nancy A. Abbe**

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**ROPE & GRAY LLP PATENT DEPT.
REFERRED TO RCM
NOTED BY**

**Board of Patent Appeals and Interferences
Docketing Notice**

Application 09/844,627 was received from the Technology Center at the Board on March 01, 2005 and has been assigned Appeal No: 2005-0997.

A review of the file indicates that the following documents have been filed by appellant:

**Appeal Brief filed on: February 18, 2004
Reply Brief filed on: June 29, 2004
Request for Hearing filed on: June 29, 2004**

In all future communications regarding this appeal, please include both the application number and the appeal number.

The mailing address for the Board is:

**BOARD OF PATENT APPEALS AND INTERFERENCES
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VIRGINIA 22313-1450**

The facsimile number of the Board is 571-273-0052. Because of the heightened security in the Washington D.C. area, facsimile communications are recommended. Telephone inquiries can be made by calling 571-272-9797 and should be directed to a Program and Resource Administrator.

By order of the Board of Patent Appeals and Interferences